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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,457	01/31/2002	Ken Kutaragi	SCEIYA 3.0-116	2191
530 7590 08/31/2007 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER TOLENTINO, RODERICK	
			ART UNIT 2134	PAPER NUMBER
			MAIL DATE 08/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

9A

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/066,457	KUTARAGI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Roderick Tolentino	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2007.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 43-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. Claims 43 – 52 are pending.

#### *Response to Arguments*

2. Applicant's arguments with respect to claims 43, 47 and 52 have been considered but are moot in view of the new ground(s) of rejection, as necessitated by amendment by applicant 07/16/2007.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 43 – 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuprionas U.S. Patent No. (6,948,168) in view of Cooper et al. U.S. Patent No. (6,654,888) and Hirotsu U.S. Patent No. (5,982,887).
5. As per claims 43, 47 and 51 Kuprionas teaches a first information processing apparatus having a user interface for receiving input from a user and for providing output to the user (Kuprionas, Col. 5 Lines 10 – 15, personal computer), a second information processing apparatus including a database, said second information processing apparatus capable of being connected to the first information processing apparatus via a network (Kuprionas, Col. 1 Lines 66 – 67 and Col. 2 Lines 1 – 3,

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network database), wherein the second information processing apparatus is operable to receive identification information over the network from the first information processing apparatus and to verify the received identification information based on data stored in the database, such that when the identification information is verified (Kuprionas, Col. 1 Lines 66 – 67 and Col. 2 Lines 1 – 3, network database to verify software) but fails to teach the first information processing apparatus being capable of being removably loaded with a portable recording medium, the recording medium having a program stored thereon, the second information processing apparatus is operable to request input of a password via the first information processing apparatus and, in response to determining that the password is valid, to permit the first information processing apparatus to execute the program. However in an analogous art Cooper teaches the first information processing apparatus being capable of being removably loaded with a portable recording medium, the recording medium having a program stored thereon (Cooper, Col. 3 Lines 45 – 51, CD-Rom to install software) and Hirotani teaches the second information processing apparatus is operable to request input of a password via the first information processing apparatus and, in response to determining that the password is valid, to permit the first information processing apparatus to execute the program (Hirotani, Col. 8 Lines 17 – 26, verifying a password prior to program execution).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Cooper's installing and controlling trial software with

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Kuprionas Licensed application installer because it offers the advantage of conveniently distributing software (Cooper, Col. 3 Lines 45 – 51).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Hirotani's encrypted program executing apparatus with Kuprionas Licensed application installer because it offers the advantage of preventing unauthorized execution of a program (Hirotani, Col. 1 Lines 11 – 16).

6. As per claim 52, Kuprionas teaches a database and being operable to receive identification information over the network from the first information processing apparatus and to verify the received identification information based on data stored in the database, such that when the identification information is verified (Kuprionas, Col. 1 Lines 66 – 67 and Col. 2 Lines 1 – 3, network database to verify software) but fails to teach the second information processing apparatus is operable to request input of a password via the first information processing apparatus and, in response to determining that the password is valid, to permit the first information processing apparatus to execute a program stored on a portable recording medium loaded in the first information processing apparatus. However, in analogous arts Hirotani teaches the second information processing apparatus is operable to request input of a password via the first information processing apparatus and, in response to determining that the password is valid, to permit the first information processing apparatus to execute a program (Hirotani, Col. 8 Lines 17 – 26, verifying a password prior to program execution) and Cooper teaches stored on a portable recording medium loaded in the first information processing apparatus (Cooper, Col. 3 Lines 45 – 51, CD-Rom to install software).

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At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Hirotsu's encrypted program executing apparatus with Kuprionas Licensed application installer because it offers the advantage of preventing unauthorized execution of a program (Hirotsu, Col. 1 Lines 11 – 16).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Cooper's installing and controlling trial software with Kuprionas Licensed application installer because it offers the advantage of conveniently distributing software (Cooper, Col. 3 Lines 45 – 51).

7. As per claim 44 and 48, Kuprionas as modified teaches the identification information includes a user ID (Kuprionas, Col. 6 Lines 15 – 22, unique user identifiers).

8. As per claims 45 and 49, Kuprionas as modified teaches the identification information includes a device ID (Kuprionas, Col. 1 Lines 58 – 61, unique computer identifiers).

9. As per claims 46 and 50, Kuprionas as modified teaches the device ID is unique to the first information processing apparatus (Kuprionas, Col. 1 Lines 58 – 61, unique computer identifiers).

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roderick Tolentino whose telephone number is (571) 272-2661. The examiner can normally be reached on Monday - Friday 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Roderick Tolentino

Roderick Tolentino  
Examiner  
Art Unit 2134

  
KAMBIZ ZAND  
SUPERVISORY PATENT EXAMINER